

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL EUGENE McINTEE,

Petitioner,

Case No. 1:09-cv-873

v.

Honorable Paul L. Maloney

BLAINE C. LAFLER,

Respondent.

ORDER TO LIFT STAY

_____ /

This is a habeas corpus action filed by a state prisoner pursuant to 28 U.S.C. § 2254. On December 15, 2009, this Court stayed Petitioner's action and ordered Petitioner to provide written notice within 28 days of the final decision by the Michigan Supreme Court. This Court also administratively closed Petitioner's case. On February 26, 2010, the Michigan Supreme Court denied Petitioner's application for leave to appeal because Petitioner failed to meet the burden of establishing entitlement to relief under Michigan Court Rule 6.508(D). In a notice filed on March 8, 2010, Petitioner provided timely notice to this Court of the Michigan Supreme Court's decision. (Notice, docket #14.) Therefore, the Court will lift the stay of these proceedings and re-open Petitioner's case for further proceedings.

As he has exhausted his claims, Petitioner must now file an amended petition on the form and list all of his grounds for habeas corpus relief. All applications for habeas corpus relief must be submitted on the form petition provided by this Court. *See* Rule 2(d), RULES GOVERNING § 2254 CASES; W.D. Mich. LCivR 5.6(a). Petitioner must carefully fill out the form and submit it to the Court. The Court directs the Clerk to send to Petitioner a copy of the form petition under 28

U.S.C. § 2254 for writ of habeas corpus by a person in state custody. Petitioner shall submit an amended petition by filing his habeas petition on the requisite form within 28 days from the date of entry of this Order. The case number shown above must appear on the front page of the amended petition. Petitioner must file an original and one complete copy of the amended petition and any new attachments. Petitioner need not re-submit supporting materials filed with the original petition. If Petitioner fails to submit an amended petition in proper form within the time allowed, the petition may be dismissed without prejudice. Accordingly,

IT IS ORDERED that Petitioner's notice (docket #14), construed as a motion to lift stay, is GRANTED.

IT IS FURTHER ORDERED that the Clerk of the Court shall re-open the case for further proceedings.

IT IS FURTHER ORDERED that the Clerk of the Court shall send to Petitioner a copy of the form petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. Petitioner shall submit an amended petition by filing his habeas petition on the requisite form within 28 days from the date of entry of this Order.

Dated: March 18, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge